

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 60

BY SENATOR WOODRUM

[Originating in the Committee on the Judiciary;

reported January 16, 2024]

1 A BILL to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 relating generally to authorizing certain agencies of the Department of Transportation to
3 promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-
4 Making Review Committee and as amended by the Legislature; authorizing the Division
5 of Motor Vehicles to promulgate a legislative rule relating to motor vehicle titling;
6 authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer
7 licensing; authorizing the Division of Motor Vehicles to promulgate a legislative rule
8 relating to handicapped parking permits; authorizing the Division of Highways to
9 promulgate a legislative rule relating to construction and reconstruction of state roads;
10 authorizing the Division of Highways to promulgate a legislative rule relating to traffic and
11 safety rules; and authorizing the Division of Multimodal Transportation Facilities to
12 promulgate a legislative rule relating to valuation of used rolling stock and equipment.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO
PROMULGATE LEGISLATIVE RULES.**

§64-8-1. Division of Motor Vehicles.

1 (a) The legislative rule filed in the State Register on July 26, 2023, authorized under the
2 authority of §11-15-3C of this code, modified by the Division of Motor Vehicles to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 November 7, 2023, relating to the Division of Motor Vehicles (motor vehicle titling, 91 CSR 03), is
5 authorized with the following amendments:

6 On page 1, by striking out all of subsection 2.1 and inserting in lieu thereof a new
7 subsection 2.1. to read as follows:

8 “2.1. Application. An application for a certificate of title must be accompanied by the
9 appropriate fees:

10 21.1 Proof of Insurance;

11 2.1.2. Photo identification and identity validation and verification developed by the Division
12 of Motor Vehicles;

13 2.1.3. If the vehicle was previously titled in another state or jurisdiction, that title;

14 2.1.4. If a registration plate is also being transferred, appropriate registration information;

15 2.1.5. If the vehicle requires registration, the appropriate fee for the registration plate; and,

16 2.1.6. Sales tax as calculated in subsection 2.2 of this section.”:

17 On page 1, after subsection 2.1 by adding a new subsection 2.2 to read as follows:

18 “2.2. Application for non-resident businesses. An application by a non-resident business
19 for a title through the Title Clearinghouse must be accompanied by any documents prescribed by
20 the Commissioner.”;

21 And,

22 By renumbering the remaining subsections.

23 (b) The legislative rule filed in the State Register on July 26, 2023, authorized under the
24 authority of §17A-2-9 of this code, modified by the Division of Motor Vehicles to meet the
25 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
26 November 7, 2023, relating to the Division of Motor Vehicles (dealer licensing, 91 CSR 06), is
27 authorized.

28 (c) The legislative rule filed in the State Register on July 13, 2023, authorized under the
29 authority of §17C-13-6 of this code, modified by the Division of Motor Vehicles to meet the
30 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
31 November 7, 2023, relating to the Division of Motor Vehicles (handicapped parking permits, 91
32 CSR 10), is authorized.

§64- 8 - 2. Division of Highways.

1 (a) The legislative rule filed in the State Register on July 31, 2023, authorized under the
2 authority of §17-2A-8 of this code, modified by the Division of Highways to meet the objections of

3 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
4 2023, relating to the Division of Highways (construction and reconstruction of state roads, 157
5 CSR 03), is authorized.

6 (b) The legislative rule filed in the State Register on July 26, 2023, authorized under the
7 authority of §17-2A-8 of this code, modified by the Division of Highways to meet the objections of
8 the Legislative Rule-Making Review Committee and refiled in the State Register on November 8,
9 2023, relating to the Division of Highways (traffic and safety rules, 157 CSR 05), is authorized
10 with the amendments set forth below:

11 On page 14, Subdivision 7.4.h. by striking out the words “Vehicle speed shall not exceed
12 35 miles per hour” and inserting the following:

13 “Vehicle speed shall not exceed the posted or statutory speed limit in effect and shall not
14 exceed the recommended speed on all warning signs when passing through the area of concern
15 (curve, intersection, etc.).”;

16 On page 14, Subdivision 7.4.j. by striking out the words “or main highway”;

17 And,

18 On page 14, Subdivision 7.4.j., after the word “measures.”, by inserting the following:

19 “When approaching an intersecting roadway, vehicles shall obey any traffic control
20 devices such as stop signs, yield signs, and traffic lights.”

§64- 8 - 3. Division of Multimodal Transportation Facilities.

1 The legislative rule filed in the State Register on July 28, 2023, authorized under the
2 authority of §17-16F-5 of this code, modified by the Division of Multimodal Transportation
3 Facilities to meet the objections of the Legislative Rule-Making Review Committee and refiled in
4 the State Register on September 29, 2023, relating to the Division of Multimodal Transportation
5 Facilities (valuation of used rolling stock and equipment, 220 CSR 01), is authorized.